

REQUEST FOR COURT ACTION / DIRECTION

TO: Honorable Laura Taylor Swain
U.S. District Judge

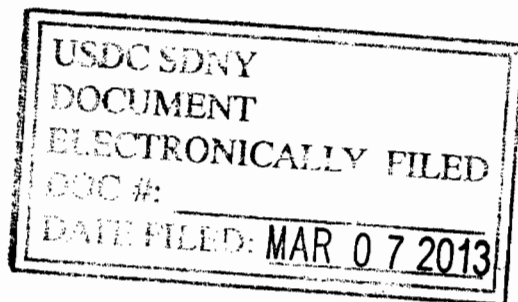
OFFENSE: Conspiracy to Distribute and Possess with Intent to Distribute Cocaine (21 USC 846 {21 USC 812, 841(a)(1) and 841(b)(1)(B)}), a Class B Felony.

ORIGINAL SENTENCE: Forty (40) months incarceration, followed by a four (4) year term of supervised release.

FROM: Enid Febus
Supervising U.S. Probation Officer

SPEC. CONDITIONS: Defendant will provide the Probation Officer with access to any requested financial information; Defendant shall participate in a program approved of by the United States Probation Office, which program may include testing to determine whether the defendant has reverted to using drugs or alcohol. The Court authorizes the release of available drug treatment evaluations and reports to the substance abuse treatment provider, as approved by the Probation Officer. The defendant will be required to contribute to the costs of services rendered (co-payment), in an amount determined by the Probation Officer, based on ability to pay or availability of the third-party payment; The defendant shall submit his person, residence, place of business, vehicle or any other premises under his control to a search on the basis that the Probation Officer has reasonable belief that contraband or evidence of a violation of conditions of release may be found. The search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition; Defendant is to report to the nearest Probation Office within 72 hours of release from custody; and Defendant is to be supervised by the district of residence.

RE: Corey Robertson
Docket # 07-CR-944-01(LTS)



AUSA: Richard Tarlowe, Esq.

DEF ATTY: Xavier Donaldson, Esq.

MED: November 21, 2014

DATE OF SENTENCE: April 28, 2009

DATE: March 6, 2013

ATTACHMENTS: PSI ☒ JUDGMENT ☒ PREVIOUS REPORTS
VIOLATION PETITION

REQUEST FOR: WARRANT ☐ SUMMON ☐ COURT DIRECTION ☒

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EARLY TERMINATION

This petition is to respectfully request for the early termination of Mr. Robertson's four (4) year term of supervised release.

SUPERVISION ADJUSTMENT

Reference is made to the above named individual who was sentenced by Your Honor as indicated above. In addition, the Court imposed a \$100.00 special assessment fee.

Upon his release from the Bureau of Prisons (BOP), on November 22, 2010, the offender commenced his four (4) year term of supervised release with the District of Maryland (D/MD), based on his residence there. Robertson is currently under the supervision of U.S. Probation Officer Pamela Rice.

According to USPO Rice, while under supervision, Robertson has complied with all the standard and additional conditions of his supervised release. The offender maintains a stable residence located at 3711 Cooper Lane, Hyattsville, Maryland, where he resides with his mother and step-father. In addition, Robertson is gainfully employed full-time as a concierge at the Wyndham Vacation Resort in Oxon Hill, Maryland, and as a part-time (on call) butler for the Compass Group USA, Inc. Furthermore, USPO Rice indicates that Robertson has satisfied his \$100.00 special assessment fee, and has successfully completed his drug treatment program at The Family Health Center.

Reportedly, a recent criminal record check has been conducted which revealed no new criminal activity on behalf of the offender. USPO Rice notes that the record check, as well as collateral and personal contacts, all indicate that Robertson is leading a crime free lifestyle. USPO Rice further notes that they have not identified any individual or public safety risks, nor has there been any indication of violence while on supervision.

Due to his transfer to their Low Intensity Case Load in December 2011, it was not a requirement that USPO Rice keep regular contact with the offender; however, she indicates that her last employment verification was conducted on July 9, 2012, and her last telephone contact with Robertson on February 12, 2013, all which produced positive results.

On February 28, 2013, we received correspondence from USPO Rice requesting that, based on Robertson's overall good adjustment in the community, we approach the Court and respectfully recommend that his term of supervised release be terminated early, as continued supervision does not appear to be necessary for this case.

The offender's positive adjustment to supervision does not alone support a basis for early termination. Reference is made to several Second Circuit cases that have discussed factors to consider in determining if early termination should be granted. See U.S. v. Lussier, 104F 3rd 32, 36 (2nd Cir. 1997) and U.S. v. Sheckley, 129 F 3d 114 (2nd Cir. 1997). Second Circuit opinion notes that early termination should only be granted occasionally. The court cases said that an offender simply having a record of compliance with supervision conditions is not enough. Instead, an offender's behavior must be "exceptionally good" to warrant the benefits of early termination.

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The general criteria for assessing whether a statutorily eligible offender should be recommended to the court as an appropriate candidate for early termination are: 1) stable community reintegration; 2) progressive strides toward supervision objectives and in compliance with all conditions of supervision; 3) no aggravated role in the offense of conviction, particularly large drug or fraud offenses; 4) no history of violence; 5) no recent arrests or convictions, or ongoing, uninterrupted patterns of criminal conduct; 6) no recent evidence of alcohol or drug abuse; 7) no recent psychiatric episodes; 8) no identifiable risk to the safety of any identifiable victim; and 9) no identifiable risk to public safety based on the Risk Prediction Index (RPI).

Pursuant to 18 USC 3583(e)(1) the court may terminate a term of supervised release and discharge the defendant released at any time after the expiration of one (1) year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant in the interest of justice.

U.S. ATTORNEY'S POSITION

On March 6, 2013, our office was in contact with the Assistant U.S. Attorney assigned to this case, Assistant U.S. Attorney Richard Tarlowe, who indicated that the U.S. Attorney's Office will defer to the Probation Department and takes no position.

RECOMMENDATION

Based on the above, the Probation Department concurs with D/MD who approves of the early termination, as AUSA Tarlowe takes no position.

To date, Robinson has completed over half of his term of supervised release and remained in compliance with the standard and special conditions of release, however, he has done nothing extraordinary to warrant a reduction in his sentence.

We stand ready to execute the orders of the Court and have attached a response page in order to facilitate Your Honor's reply. Additionally, should Your Honor grant our request, we request that Your Honor sign the attached Probation 35.

Respectfully submitted,

Michael J. Fitzpatrick
Chief U.S. Probation Officer

By:


Enid Eobus

Supervising U.S. Probation Officer
212-805-5074

Date: 3/6/13

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION DEPARTMENT**

JUDICIAL RESPONSE

THE COURT ORDERS:

- ☒ Early Termination of Supervised Release Approved
☐ Early Termination of Supervised Release Denied
☐ Other
-
-
-
-

A handwritten signature in black ink, appearing to be "J. L. ...", written over a horizontal line.

Signature of Judicial Officer

3/7/2013

Date